IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

WA.No. 2325 of 2002(C)

AGAINST THE JUDGEMENT IN OP.18608/1999 Dated 27/05/2002
.....

APPELLANTS/4TH AND 5TH RESPONDENTS:
---

1. MUNDAKAYAM GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, OFFICE OF THE
MUNDAKKAYAM GRAMA PANCHAYATH,
MUNDAKAYAM P.O.

2. SECRETARY, MUNDAKAYAM GRAMA PANCHAYATH,
MUNDAKAYAM P.O.

BY ADV. SRI.LIJI.J.VADAKEDOM

RESPONDENTS/PETITIONER/RESPONDENTS 1,2 & 3:
---

1. TOMY ABRAHAM, JOJO AGENCIES,
KANJIRAPPALLY.

2. STATE OF KERALA REPRESENTED BY
CHIEF SECRETARY TO GOVERNMENT, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM.

3. DIRECTOR OF PANCHAYATH,
THIRUVANANTHAPURAM.

4. DEPUTY DIRECTOR OF PANCHAYATH,
KOTTAYAM.

ADDL.5. K.S.SALIM, KUTHIRAKUNNUMKAL 1ST MILE,
KANJIRAPPALLY P.O., KOTTAYAM (DT.)

6. PARAMESWARA PANICKER, ASST. ENGINEER,
ERATTUPETTA GRAMA PANCHAYATH, ERATTUPETTA P.O.
KOTTAYAM DT.

7. BALACHANDRAJI, ASST. ENGINEER,
ALATHOOR GRAMA PANCHAYATH, PALAKKAD DT.

(RESPONDENTS 5 TO 7 ARE IMPLEADED AS PER ORDER
DT.20.12.2002 IN CMP NO.8148 OF 2002)

R2 TO R4 BY SR. GOVERNMENT PLEADER SMT.MEERA
R1 BY SRI.VIJU ABRAHAM
SRI.A.K.AVIRAH
R6 & R7 BY SRI.DILIP MOHAN

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 13/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN, J.

W.A.No.2325 of 2002

Dated, this the 13th day of July, 2007

JUDGMENT

H.L.Dattu, C.J.

Fourth respondent in the writ petition is the appellant before us in this appeal. The appellant calls in question the correctness or otherwise of the orders passed by the learned Single Judge in O.P.No.18608 of 1999 dated 27th May, 2002.

2. The facts in nutshell are: the petitioner was before this Court with a request to direct the 4th respondent to pay the amount due to him for having effected repair works of the Sodium Vapour Lamps in the Grama Panchayat area.

3. The contesting respondent, namely the Grama Panchayat, had opposed the relief sought for by the petitioner in the writ petition.

4. The learned Single Judge taking into consideration that the petitioner is a small timer and that the respondent without any rhyme or reason cannot dispute its liability, has proceeded to observe in its order as under:

> "Therefore, there will be a direction to the fourth respondent Grama Panchayat to make an assessment of the work with the present officers and settle the claim made by the petitioner as per Exhibit P2, with the available records and materials. Needless to say, the Panchayat would refer to Exhibit P1 authorisation and the relevant records. Settlement as directed above shall be done within a period of one month from today."

5. Aggrieved by the aforesaid direction issued by the learned Single Judge the Grama Panchayat is before us in this writ appeal.

6. Having gone through the order passed by the learned Single Judge, we are of the view that the learned Single Judge has only directed the Grama Panchayat to make an assessment of the work with the present officers and settle the claim made by the petitioner in accordance with law and with the available materials and

records. If for any reason, the Grama Panchayat comes to the conclusion that there is nothing due to the contesting respondent in this appeal, it can as well issue a proper endorsement to the said respondent, so that he can at least approach an appropriate forum for redressal of all his grievances.

7. In that view of the matter, we do not see any error in the orders passed by the learned Single Judge which would call for our interference. Therefore, the writ appeal requires to be rejected and it is rejected.

Ordered accordingly.

(H.L.DATTU)
CHIEF JUSTICE

(K.T.SANKARAN)
JUDGE

vns/DK.